



# UNITED STATES DISTRICT COURT

#### **Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)**

## NOTICE

**Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:**

**“Sec. 1924. Verification of bill of costs.”**

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

**See also Section 1920 of Title 28, which reads in part as follows:**

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

**The Federal Rules of Civil Procedure contain the following provisions:**

**RULE 54(d)(1)**

#### **Costs Other than Attorneys' Fees.**

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

## RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

**RULE 58(e)**

### **Cost or Fee Awards:**

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

# APPENDIX A

**HTC CORPORATION'S ITEMIZATION OF COSTS**

INVOICE DATE	DESCRIPTION	AMOUNT
<b>SECTION 1: Fees of the Clerk</b>		
	<b>SECTION 1 TOTAL:</b>	<b>\$0.00</b>
<b>SECTION 2: Fees for Service of Summons and Subpoena</b>		
	<b>SECTION 2 TOTAL:</b>	<b>\$0.00</b>
<b>SECTION 3: Fees for Printed or Electronically Recorded Transcripts Necessarily Obtained for Use in the Case</b>		
A. Deposition Transcripts		
2/22/2018 Justin R. Blok (CSI)	Original and Certified Copy of Transcript	\$709.50
	Court Reporter's Appearance Fee	\$100.00
2/14/2018 Justin R. Blok (CSI)	Videographer's Fees	\$625.00
2/28/2018 Oded Gottesman (CSI)	Original and Certified Copy of Transcript	\$621.30
	Court Reporter's Appearance Fee	\$100.00
	Videographer's Fee	\$500.00
1/31/2018 Roy Griffin – Vol. 1 (CSI)	Original and Certified Copy of Transcript	\$1,092.20
	Court Reporter's Appearance Fee	\$100.00
	Court Reporter's Appearance Fee - After 5:30 pm	\$150.00
2/16/2018 Roy Griffin – Vol. 1 (CSI)	Videographer's Fee	\$1,662.50
2/21/2018 Roy Griffin – Vol. 2 (CSI)	Original and Certified Copy of Transcript	\$464.40
	Court Reporter's Appearance Fee	\$50.00
	Videographer's Fee	\$562.50
12/29/2017 Chia Chu Ho – Vol. 1 (Planet Depos)	Copy of Transcript	\$533.33
4/2/2018 Chia Chu Ho – Vol. 2 + Tung Shan Wei (Veritext)	Copy of Transcript	\$563.45
12/29/2017 Hsiu Fen Lai (Planet Depos)	Copy of Transcript	\$533.33
1/22/2018 Robert L. Meyers (CSI)	Original and Certified Copy of Transcript	\$272.00
	Court Reporter's Appearance Fee	\$50.00

<b>INVOICE DATE</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
1/25/2018 Sivasubramanian Muthukumarasamy (CSI)	Original and Certified Copy of Transcript	\$399.30
	Court Reporter's Appearance Fee	\$50.00
2/1/2018 Sivasubramanian Muthukumarasamy (CSI)	Videographer's Fee	\$375.00
4/30/2018 Nigel Newby-House (Aptus)	Copy of Transcript	\$1,632.39
1/22/2018 Joe Andrew Salazar (CSI)	Original and Certified Copy of Transcript	\$668.00
12/29/2017 Tung Shan Wei (Planet Depos)	Copy of Transcript	\$533.33
2/26/2018 Dr. Andrew Wolfe (Planet Depos)	Copy of Transcript	\$2,646.00
	Section 3.A. Subtotal	\$14,993.53
<b>B. Hearing Transcripts</b>		
12/2/2017 (Tammy Goolsby)	Court Reporter Fee for Transcript of Claim Construction Hearing	\$122.85
2/18/2018 (Tammy Goolsby)	Court Reporter Fee for Transcript of Motions Hearing	\$460.35
4/18/2018 (Shelly Holmes)	Court Reporter Fee for Transcripts of Pretrial Hearings on 4/16/18 and 5/4/2018	\$1,540.35
	Section 3.B. Subtotal	\$2,123.55
<b>C. Trial Transcripts</b>		
4/23/2018 (Shelly Holmes)	Court Reporter Fee for Daily Trial Transcripts	\$10,000.00
5/22/2018 (Shelly Holmes)	Court Reporter Fee for Daily Trial Transcripts	\$781.10
	Section 3.C. Subtotal	\$10,781.00
	<b>SECTION 3 TOTAL:</b>	<b>\$27,898.08</b>
<b>SECTION 4: Fees for Disbursements and Printing</b>		
	<b>SECTION 4 TOTAL:</b>	<b>\$0.00</b>

**SECTION 5: Fees for Witnesses****A. Witness Deposition Attendance**

12/1/2017	Chia Chu Ho: attendance - 1 day @ \$40/day	\$40.00
3/29/2018	Chia Chu Ho: attendance - 1 day @ \$40/day	\$40.00
12/1/2017	Hsiu Fen Lai: attendance - 1 day @ \$40/day	\$40.00
3/29/2018	Chih Chung Wu: attendance - 1 day @ \$40/day	\$40.00
4/30/2018	Nigel Newby-House: attendance - 1 day @ \$40/day	\$40.00
3/22/2018	Vincent Lam: attendance - 1 day @ \$40/day	\$40.00
12/1/2017	Tung Shan Wei: attendance - 1 day @ \$40/day	\$40.00
1/31/2018	Dr. Andrew Wolfe: attendance - 1 day @ \$40/day	\$40.00
12/22/2017	Sivasubramanian Muthukumarasamy - Witness Fee	\$48.00
	<b>Section 5.A Subtotal</b>	<b>\$368.00</b>

**B. Witness Trial Attendance**

5/7/2018	Nigel Newby-House: attendance – 2 trial days @ \$40/day	\$80.00
5/7/2018	Dr. Andrew Wolfe: attendance – 4 trial + 2 travel days @ \$40/day	\$240.00
5/7/2018	Christopher Bakewell: attendance – 3 trial + 2 travel days @ \$40/day	\$200.00
	<b>Section 5.B. Subtotal</b>	<b>\$520.00</b>

**C. Witness Actual Expenses at Trial**

Christopher Bakewell	Lodging	\$481.78
	Transportation – Car Rental	\$368.58
	Transportation – Fuel	\$32.69
	Meals - 5 days @ \$85.29/day	\$426.45
Nigel Newby-House	Lodging – 2 days	\$243.98
	Meals – 2 days @ \$85.29/day	\$170.58
Dr. Andrew Wolfe	Lodging	\$822.64
	Transportation - Airfare	\$1,087.40
	Transportation – Car Rental	\$324.01
	Transportation – Airport Parking	\$154.00
	Meals - 5 days @ \$85.29/day	\$426.45
	<b>Section 5.C. Subtotal</b>	<b>\$4,538.56</b>
	<b>SECTION 5 TOTAL:</b>	<b>\$5,426.56</b>

**SECTION 6: Fees for Exemplification and the Costs of Making Copies of Any Materials Where the Copies are Necessarily Obtained for Use in the Case****A. Document Production Conversion Fees**

6/30/2017 (Inventus)	TIFF file delivery for 14.2 GB	\$4,970.00
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7/31/2017 (Inventus)	TIFF file delivery for 3.39 GB	\$1,186.50
	Section 6.A. Subtotal	\$6,156.50
<b>B. Fees for Preparation of Trial Exhibits</b>		
3/31/2018 (Rainmaker)	Tier 1 File Conversion	\$336.90
	Custom Exhibit Branding	\$169.75
	E-Label – per each exhibit with exhibit number	\$224.06
	OCR for Searchable PDF	\$168.45
	Export to PDF files and FTP link	\$25.00
	Section 6.B. Subtotal	\$924.16
	<b>SECTION 6 TOTAL:</b>	<b>\$7,080.66</b>
<b>SECTION 7: Docket Fees Under 28 U.S.C. 1923</b>		
	<b>SECTION 7 TOTAL:</b>	<b>\$0.00</b>
<b>SECTION 8: Costs as Shown On Mandate of Court of Appeals</b>		
	<b>SECTION 8 TOTAL:</b>	<b>\$0.00</b>
<b>SECTION 9: Costs of Court-Appointed Experts</b>		
	<b>SECTION 9 TOTAL:</b>	<b>\$0.00</b>
<b>SECTION 10: Compensation of Interpreters and Costs of Special Interpretation Services Under 28 U.S.C. 1828</b>		
	<b>SECTION 10 TOTAL:</b>	<b>\$0.00</b>
<b>SECTION 11: Other Costs</b>		
	<b>SECTION 11 TOTAL:</b>	<b>\$0.00</b>
<b>TOTAL BILL OF COSTS:</b>		
<b>\$40,405.30</b>		